



SAN FRANCISCO DISTRICT

US Army Corps  
of Engineers

# PUBLIC NOTICE

NUMBER: 26857N      DATE: December 11, 2003  
RESPONSE REQUIRED BY: January 11, 2004

PERMIT MANAGER: Elizabeth Dyer PHONE: 415-977-8451      Email: edyer@spd.usace.army.mil

1. **INTRODUCTION:** Solano Affordable Housing Foundation (Attn: Mr. Dennis McCray), 2750 North Texas Street; Fairfield, CA 94533, has applied for a Department of the Army permit through its agent LSA Associates, Inc. (Attn: Mr. Steve Foreman) 157 Park Place, Richmond, California 94801, ((510) 236-6810), to fill 0.92 acre of wetlands and waters to develop the Blossom Avenue Multi-Family Affordable Housing Project in the City of Fairfield, Solano County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROJECT DESCRIPTION:** As shown in attached drawings (Figures 1-5), the applicant plans to construct a 92-unit multi-family affordable housing complex on a 5-acre Blossom Avenue parcel in the City of Fairfield, Solano County, California. The project consists of nine two- and three-story residential buildings, a 2000 square-foot community center, and supplementary landscaping and parking facilities. Other development on the site includes construction of a stormwater pipeline and outfall to the Laurel Flood Control Channel.

3. **PURPOSE AND NEED:** The basic purpose of this project is to address provide housing in the City of Fairfield to serve the low-income residents in the city.

4. **SITE DESCRIPTION:** The Blossom Avenue Affordable Housing Project site is an undeveloped parcel in an existing residential area in eastern Fairfield, California. Blossom Avenue borders the property on the west, an existing residence and open lot on the south, and existing apartment buildings on the east and west. Approximately 1/8 mile south of the project site are the Southern Pacific railroad tracks. Laurel Creek Flood Control Channel is located approximately 1/4 mile to the west.

A channel runs along Blossom Avenue eventually runs parallel to the railroad tracks (Figure 4.) The dominant vegetation on the parcel is composed of wild oats (*Avena sativa*), field bindweed (*Convolvulus arvensis*), willow lettuce (*Lactuca saligna*), bristly ox-tongue (*Picris echioides*), and curly dock (*Rumex crispus*.) The channel ends abruptly at higher ground along the railroad tracks and transitions into a shallow swale. Further along the swale a shallow depression dominated by wetland vegetation is present. The main wetland area consists of two different vegetation communities. The northern half is dominated by saltgrass and curly dock while the southern half has Italian rye grass, curly dock, and brome fescue. To the west is a change from Italian rye grass and brome fescue to rigput brome and bindweed. Beyond this low area the grasses and ruderal species resume and continue alongside the project area to its end at the flood

control channel. A wetland delineation performed by LSA identified three seasonal wetlands on the project site with a total area of approximately 0.92-acre.

## **5. PROPOSED MITIGATION:**

The applicant is proposing to purchase credits at an approved mitigation bank sufficient to preserve a minimum of 1.9 acres of vernal pool/seasonal wetlands (2:1 preservation ratio) and construct 0.92 acre of new seasonal wetland (1:1 ratio).

## **6. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 CFR Sections 1500-1508, and Corps' Regulations, 33 CFR Sections 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction.

**Endangered Species Act of 1973 (ESA):** Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Species and critical habitat currently identified as potentially impacted by the proposed project include the Contra Costa goldfields and the vernal pool fairy shrimp as known populations occur within 1-1/2 miles of the site. The site has been surveyed for Contra Costa goldfields in May 2001, April 2002, and April 2003 when Contra Costa goldfields were flowering at other locations in Solano County, but none were found on

the project site. No specific surveys were conducted for vernal pool fairy shrimp or other listed crustaceans; however, the presence of these species is considered unlikely given the site's isolation and historic levels of regular disturbance (discing for weed abatement and agricultural use.)

## **Clean Water Act of 1972 (CWA):**

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

**b. Alternatives:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent.

**7. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**8. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

**9. SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments

concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Elizabeth Dyer of our office at telephone 415-977-8451 or E-mail: [edyer@spd.usace.army.mil](mailto:edyer@spd.usace.army.mil). Details on any changes of a minor nature which are made in the final permit action will be provided upon request.